

MAINE JUDICIAL BRANCH

Instructions for filing a Forcible Entry and Detainer (Eviction) Case

PLEASE NOTE: These instructions are to be used in place of CV-100 while COVID-19 procedures, Pandemic Management Orders (PMOs) and/or the Phased Management Plan (PMO) are in effect.

COVID-19 procedures, Pandemic Management Orders (PMOs) and the Phased Management Plan (PMP) on the Judicial Branch website here: www.courts.maine.gov/covid19.shtml; and executive orders of the Governor on the State of Maine website here: www.maine.gov/governor/mills/official_documents.

On or after November 3, 2020 a Forcible Entry and Detainer (FED) packet will include the following:

- Instructions for Filing a Forcible Entry and Detainer (Eviction) Case;
- Complaint for Forcible Entry and Detainer (CV-007);
- Forcible Entry and Detainer Summons (CV-034) (there is a \$5.00 fee for this form);
- Two copies of the FED Information Sheet regarding what to expect at court and available services (one to be kept by you and one to be served on the defendant). If there is more than one defendant, additional copies of the information sheet can be requested from the Clerk of the District Court or you may make copies. You will need to write the phone number of the [District Court](#) where you are filing the FED action in two places on the information sheet;
- Two copies of the Instructions for Accessing a Court Hearing Using Google Meet (one to be kept by you and one to be served on the defendant). If there is more than one defendant, additional copies of the instructions can be requested from the Clerk of the District Court or you may make copies; and
- A copy of PMO-SJC-6.

1) In most cases, to evict a tenant from your property, you must first serve the tenant with a written notice of the reason(s) for the eviction, called a Notice to Quit. A Notice to Quit may be written by a lawyer, by you, or you may buy a blank notice from an office supply store. If a notice is required, it must be given to the tenant(s) personally by you, or you may go to the Sheriff's Department and arrange to have the tenant(s) served by a deputy. You will be charged by the Sheriff's Department for service. There are other ways to provide notice, and information on strict notice, timing and language requirements. For more information see Title 14 of the Maine Revised Statutes §§ 6001-6016 or hire a lawyer.

2) Complete a Complaint for Forcible Entry and Detainer, (CV-007). Forms can be found on the Judicial Branch website here: http://www.courts.maine.gov/fees_forms/forms/index.shtml#cv. You are the Plaintiff, and your tenant is the Defendant. If there are multiple tenants on the lease, you must name **all** tenants as Defendants in the Complaint and serve each Defendant. If there are multiple occupants, name your tenant(s) and add the words "all other occupants" as Defendants. Once you complete the Complaint, date and sign it. Make sure that you make copies of this and all other legal documents for your records.

3) Obtain a Forcible Entry and Detainer Summons (CV-034) from the Clerk of the District Court **for each tenant**. (The FED packet described above contains the required summons.) You will be charged for each

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Summons. When filling out the Summons, make sure that you fill in the description of your property, with the street address and apartment or house number.

- 4) Ask the Clerk of the District Court for the dates of the next Forcible Entry and Detainer status conferences. You will need to choose a date to complete the Forcible Entry and Detainer Summons. Remember that you must have the Summons served on the Defendant at least seven (7) days before the date of the hearing.
- 5) Take a copy of your Complaint and a copy and the original of your Summons to the Sheriff's Department for service. Please write "Copy For Service" on any copies that are to be served on your tenant(s) (the Defendant(s)). Please remember: each tenant must be served with a Summons individually. You may not list multiple tenants on one Summons. The Sheriff's Department will charge you for serving each Summons. After the Service is completed, the Sheriff's Department will return the original Summons, as well as a return of service that has been filled out by a deputy to you.
- 6) Bring the Notice to Quit (if required); the original Summons; the original Complaint; the return of service to the Clerk of the District Court's Office, and file the Forcible Entry and Detainer action at least one (1) business day before the status conference. This means that if the status conference is held on a Wednesday, the action must be filed by Tuesday. Saturdays, Sundays and legal holidays do not count as business days. You will be charged a filing fee by the Clerk's Office. If you do not file your Forcible Entry and Detainer Action at least one (1) day before the hearing date, the action will be dismissed and you will have to start over.

IF YOU HAVE ANY OTHER QUESTIONS, PLEASE CONTACT AN ATTORNEY.

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Plaintiff

DISTRICT COURT

Location (Town): _____

Docket No.: _____

V.

Defendant(s)

☐ and All Other Occupants

COMPLAINT FOR FORCIBLE ENTRY AND DETAINER

M.R. Civ. P. 80D

NOW COMES the Plaintiff _____ and states as follows:

1. The plaintiff is the owner of the premises located at _____, Maine;
2. That defendant(s) is/are currently a tenant at said premises.
3. ☐ That defendant(s) is/are more than _____ months in arrears of payment of rent;
☐ That defendant(s) has/have breached certain terms and conditions of the lease.
4. That defendant(s) was/were served with a Notice to Quit, pursuant to 14 M.R.S. § 6002, on (mm/dd/yyyy) _____, which required the defendant(s) to quit and deliver the premises on or before (mm/dd/yyyy) _____. The defendant(s) has/have unlawfully refused to quit the premises and still refuses to quit the premises.
5. The Notice to Quit is attached to this complaint.

WHEREFORE, Plaintiff demands Judgment for possession of said premises and for its costs and that this Court issue a Writ of Possession directing the Sheriff to cause Plaintiff to have possession of the premises located at _____ Maine.

Date (mm/dd/yyyy): _____



(☐ Attorney for) ☐ Plaintiff

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Forcible Entry and Detainer (Eviction) Information Sheet

You have been served with a summons and complaint in an eviction case against you brought by your landlord. In Maine, an eviction case is called a Forcible Entry and Detainer or “FED”. Please read this form to understand the court process and how to defend yourself in your case.

If you do not take action in this case, you will likely be evicted from your home. You have the right to be represented by an attorney, but the court will not provide you with an attorney for this type of case. You can hire an attorney or, if you qualify, you may be able to get free legal help. Contact information for free legal help is given below. **To ask for free legal help, please contact one of these legal service groups as far ahead of your court date as possible.**

If your case involves nonpayment of rent, you may qualify for help in paying your rent. Maine State Housing Authority (MSHA) offers a COVID-19 Rent Relief Program that may help pay your rent. See www.mainehousing.org/covidrent for more information or contact MSHA at 1-800-452-4668. You can apply online or contact a Community Action Agency through the contact information on the MSHA website.

Court Proceedings

Step One: Telephonic Status Conference - The first court event in this case is a telephone conference. The Summons and Complaint or Scheduling Notice you received with this Information Sheet tells you the date and time of the phone conference and the number to call. All court notices are sent to the address listed on the complaint. **If you get your mail at a different address you should tell the Court right away.**

When you call, you will meet by phone with a judge and your landlord, or the landlord’s attorney, or both. At the phone conference, the judge will talk with both sides to decide what happens next in your case. If you and your landlord have an agreement, this call is the time to talk about that agreement with the judge. If you do not have an agreement, the judge may schedule the case for mediation or a hearing. You have a right to ask for mediation at the phone conference. You may also say if you prefer to attend future court events by phone or by video.

Step Two: Mediation - Mediation is a process where a person approved by the court tries to help the parties come to an agreement. This person is called a mediator. A mediator is trained to work with parties to reach an agreement without taking sides. Some options for agreement are: a plan for rent payment to keep a tenant in the rented home; setting a move-out date; or some other solution that the landlord and tenant both agree to. Mediation is held by phone or by video.

Step Three: Hearing - If your case is scheduled for a hearing, the court will send you a letter with the date and time for that court event. Most hearings will be in person at the courthouse, unless you and your landlord agree, or one of you asks, to attend remotely by phone or video, and the judge approves your agreement or request. If you want to attend remotely but cannot send a written request, please call the court at 207- _____ - _____.

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Legal Help Available: You may seek free legal assistance by calling:

Pine Tree Legal Assistance (free for low income tenants):

207-774-8211 during the following hours:

Monday	12:00- 2:30
Tuesdays	9:00 – 11:30
Thursday	9:00 – 11:30
Friday	9:00 – 11:30

Legal Services for the Elderly (free for those 60 and older)

1-800-750-5353

Weekly Information Session: Pine Tree Legal Assistance holds weekly eviction information sessions. Join to learn more about the eviction process in Maine.

When: Tuesdays at 9:00 am.

To Join:

- (a) Go to ptla.org/fed for telephone or internet/video options OR
- (b) Install the Zoom app on your smartphone and scan this code with your smartphone camera:



When you scan this code, you will be asked for your name and email address. No-one will use that information for any purpose, and it will not be tracked in anyway.

Questions about the above, or need an interpreter? Call the court at 207- _____ - _____.

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Instructions for Accessing a Court Hearing Using Google Meet

Google Meet will allow access to court hearings through videoconferencing and telephonic calls.

1. For video conferencing, Google Meet can be installed as an application from a smartphone or using your computer's web browser.
2. **Please test your ability to use Google Meet on your phone or computer before the time of your hearing.**
3. At the time of your hearing, open Google Meet. **It is recommended that you use headphones with a microphone** because your computer microphone picks up ambient noises.
4. Open Google Meet. **Enter the code provided on your notice.**
5. By computer: <https://meet.google.com/xxx-xxxx-xxx>
6. By smartphone: xxx-xxxx-xxx
7. If you are using a computer, allow your computer to use the microphone and camera.
8. Your call will ring and the clerk will accept your call.
9. If you enter the call before your hearing time, or if another case is being heard, please mute your microphone until your case is called.
10. To mute your microphone, hover over the image on the screen at the bottom of the screen - this menu will pop up at the bottom:



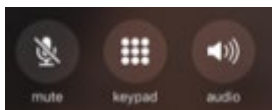
11. Click the microphone to mute, the microphone will turn red with a line crossing through the microphone when you are muted.



12. When your case is called, click the microphone again to unmute.
13. To hang up the call, use the same menu at the bottom of the screen and click the red phone icon.



14. If you don't have access to a computer or otherwise want to join by telephone call, dial the number provided to you on your notice.
15. If you enter the call before your hearing time, or if another case is being heard, please mute yourself from your phone if you have the ability until your case is called.



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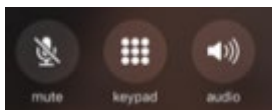
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**STATE OF MAINE JUDICIAL BRANCH
PANDEMIC MANAGEMENT ORDER**

Order Issued July 21, 2020
(revised July 23, 2020)
(revised November 3, 2020)
(revised December 22, 2020)
(revised February 17, 2021)
(revised April 1, 2021)

**Emergency Rules from the Supreme Judicial Court
for Forcible Entry and Detainer (Eviction) Cases**

On March 13, 2020 the Supreme Judicial Court issued an Emergency Order suspending Forcible Entry and Detainer (“eviction”) cases. That Order was later modified by PMO-SJC-1 and again by the State of Maine Judicial Branch COVID-19 Phased Management Plan (the “Plan”) issued on May 27, 2020. The court did not schedule or hear eviction cases beginning March 13, 2020.¹ The Plan provided that beginning in Phase 4 (August 3-September 4, 2020), the court would lift the restriction on scheduling and hearing evictions.

To aid individuals and businesses harmed by the pandemic, the federal government enacted the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. §§ 9057 & 9058) (the “CARES Act”). Before it expired, the CARES Act provided a temporary moratorium on eviction filings as well as other protections for tenants in certain rental properties with federal assistance or federally-related financing. Various other federal agencies and programs also issued moratoria on foreclosures and evictions for certain covered dwellings. Since the resumption of eviction proceedings in Maine, plaintiffs seeking to recover possession of property through eviction actions may have been subject to the federal moratoria on evictions either imposed through the CARES Act or administered by other federal agencies and programs. Eviction actions subject to federal moratoria include certain single-family and multi-family rental

¹ The Plan allowed certain requests for writs of possession as provided by the Governor’s Executive Order Number 40, dated April 16, 2020. The Governor’s Executive Order Number 5, dated July 30, 2020, repealed and replaced Executive Order Number 40.

properties receiving or benefitting from federal assistance or federally-related financing.

Consistent with the Plan's preference for remote court proceedings, most eviction actions will continue to first be scheduled for an initial telephonic status conference, at which the case may be referred to mediation, when appropriate, scheduled for a final hearing, or both. Final hearings will be held in person at the courthouse unless otherwise ordered by the court or agreed upon by the parties and the court during the telephonic conference, or upon the granting of a party's motion to participate remotely at the final hearing.

Beginning in February of 2021, a few courts began to pilot a remote docket call, whereby eviction cases are in order for remote mediation, a remote final hearing, or both, on the return day. Final hearings in these pilot project courts are presumed to be conducted remotely unless the court grants a party's motion to participate in person pursuant to PMO-SJC-7(B), or the parties and the court agree during the remote docket call that the final hearing shall be held in person at the courthouse.

PMO-SJC-6(A). REQUIREMENTS FOR ALL EVICTION ACTIONS

The following procedures shall apply to all eviction actions through June 30, 2021, or until further order of the court:

1. Plaintiffs shall no longer need to file a Forcible Entry and Detainer Cares Act or Federal Program Verification form in order to initiate or prosecute a Forcible Entry and Detainer action.

PMO-SJC-6(B). PROCESS FOR INITIAL TELEPHONIC CONFERENCE

The following procedures shall apply to eviction actions scheduled for an initial telephonic conference, through June 30, 2021, or until further order of the court:

1. All eviction actions will be scheduled for initial telephonic status conferences unless scheduled for a remote docket call in a pilot project court or otherwise ordered by the trial court.

2. At the initial telephonic status conference:
 - a. If the plaintiff fails to appear, the eviction action shall be dismissed without prejudice.
 - b. If the defendant fails to appear, the eviction action shall be scheduled for a final hearing.
 - c. If both parties fail to appear, the eviction action shall be dismissed without prejudice.
3. At the final hearing:
 - a. If the defendant failed to appear at the initial telephonic status conference pursuant to PMO-SJC-6(B)(2)(b), the defendant shall be afforded the opportunity to show good cause for failure to appear at the telephonic status conference.
 - i. If the defendant shows good cause, the final hearing shall proceed with opportunity for both parties to present all claims and defenses.
 - ii. If the defendant fails to show good cause, judgment may be entered in favor of the plaintiff by default, provided the plaintiff shows that the eviction is not prohibited by federal moratoria on evictions.
 - b. If the defendant fails to appear, judgment may be entered in favor of the plaintiff by default, provided the plaintiff shows that the eviction is not prohibited by federal moratoria on evictions.
 - c. If the plaintiff fails to appear, the eviction action shall be dismissed with prejudice.
 - d. If both parties fail to appear, the eviction action shall result in a dismissal without prejudice.

PMO-SJC-6(C). PROCESS FOR PILOT PROJECT REMOTE DOCKET CALL

The following pilot project procedures shall apply to eviction actions scheduled for a remote docket call, through June 30, 2021, or until further order of the court:

1. Addendum A to this Pandemic Management Order identifies the courts where the project will be piloted and the effective date of the pilot project for each court. Reasonable advance notice of the expansion of the Pilot Project to specific additional courts shall be provided by the subsequent posting(s) of an updated Addendum A to this Pandemic Management Order.
2. Eviction actions in pilot project courts shall be scheduled for a remote docket call unless otherwise ordered by the court.
 - a. Parties shall receive notice from the pilot project court of the remote docket call with information and instructions to access the courtroom.
 - b. Parties may request an alternative format for court proceedings prior to the remote docket call pursuant to PMO-SJC-7(B).
3. At the remote docket call, eviction actions may be referred in real time to remote mediation, be scheduled for a remote final hearing, or both. The remote final hearing may take place the same day as the remote docket call as the court's schedule allows.
 - a. Pursuant to PMO-SJC-7(A), final hearings shall be presumed to be conducted remotely and shall comply with other provisions of PMO-SJC-7.
 - b. Parties may request an alternative format for the final hearing pursuant to PMO-SJC-7(B).
 - c. Parties may enter evidence onto the record during the final hearing pursuant to PMO-SJC-7(C).

4. In pilot project courts at the remote docket call on the return date:
- a. If the defendant fails to appear, judgment may be entered in favor of the plaintiff by default, provided the plaintiff shows that the eviction is not prohibited by federal moratoria on evictions.
 - b. If the plaintiff fails to appear, the eviction action shall be dismissed with prejudice.
 - c. If both parties fail to appear, the eviction action shall result in a dismissal without prejudice.

Dated: April 1, 2021

For the Court:

_____/s/_____
Andrew M. Mead
Acting Chief Justice

Addendum A

The Pilot Project Remote Docket Call shall be held in the following courts effective on the dates listed below:

Region 1

York District Court

Additional Court(s) to be determined

Effective Date

February 17, 2021

Anticipated May 1, 2021

Region 3

Farmington District Court

Additional Court(s) to be determined

February 17, 2021

Anticipated May 1, 2021

Region 6

Additional Court(s) to be determined

Anticipated May 1, 2021

Region 7

Ellsworth District Court

February 17, 2021